



## Universal Service Administrative Company

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October 12, 2004

Ms. Marlene H. Dortch  
Federal Communications Commission  
Office of the Secretary  
C/O Capitol Heights Facility  
236 Massachusetts Avenue, NE, Suite 110  
Washington, DC 20002

RE: In the Matter of Requests for Review of Decisions of the Universal Service  
Administrator, Federal-State Joint Board on Universal Service, CC Docket No. 02-6;

Administrator's Referral of Appeal to Federal Communications Commission for  
Potential Waiver.

In re Reform Public Library, Reform, AL  
Fund Year 2003 FCC Form 471 361356

Dear Marlene H. Dortch:

The Universal Service Administrative Company (USAC) has determined that its action or inaction improperly prejudiced the decision on a Form 471 request, submitted by Reform Public Library, Reform, AL (Applicant), under the Schools and Libraries Universal Service Support Mechanism. The Applicant has appealed the denial of funding to USAC pursuant to the Federal Communications Commission's (FCC) regulations; however, USAC is constrained from providing the Applicant with a remedy under the circumstances presented here. Therefore, in the interest of fairness and administrative efficiency, USAC believes that the appropriate course of action is for USAC to transmit the Applicant's appeal directly to the Commission with a request that the Commission consider granting a waiver of a program rule and direct USAC to grant the relief sought in the appeal submitted by the Applicant.

The circumstances giving rise to this appeal are as follows:

The Schools and Libraries Division of USAC received a Schools and Libraries Universal Service Program Services Orders and Certification Form 470 for Funding Year 2003 (Application number 694650000426471), from the Applicant postmarked on November 1, 2002. Through no fault of the Applicant, the posting of the Form 470 was significantly delayed. The Form 470 was posted on the SLD website on January 13, 2003, which

Ms. Marlene H. Dortch  
Federal Communications Commission  
Office of the Secretary  
October 12, 2004  
Page 2

resulted in an Allowable Contract Date of February 10, 2003, which is outside the established filing window of February 6, 2003. The Form 471 was completed, all filing requirements were met, and the Form 471 was postmarked January 23, 2003, within the established filing window. However, this resulted in the Applicant's noncompliance with the 28-day competitive bidding requirement set forth in 47 C.F.R. 54.504(b) (4).

The violation of the 28-competitive bidding requirement resulted from SLD's failure to timely post the FCC Form 470 for Funding Year 2003, not from any mistake or omission on the part of the Applicant. USAC respectfully urges the Commission to consider granting a waiver of the 28-day competitive bidding requirement under the circumstances presented here. *See Request for Review by Runnemedede Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 99-2957 (rel. Dec. 21, 1999).

We would be pleased to provide any additional information you may require and to answer any questions you may have about this matter.

Sincerely,

D. Scott Barash  
Vice President and General Counsel

Enclosure: Letter of Appeal

CC: Narda Jones, FCC, Chief Wireline Competition Bureau  
Virginia Barton, Reform Public Library